IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Revision No.5755 of 2006

Date of Decision: 2.11.2006

Jasbir Kaur ...Petitioner

Vs.

Tejinder Kuar & Ors. ...Respondents

CORAM Hon'ble Mr.Justice Vinod K.Sharma

Present: Mr.Vipul Aggarwal, Advocate,
for the petitioner.

Vinod K.Sharma, J. (Oral)

Present revision petition has been filed against an order passed by the learned Additional Civil Judge (Senior Division), Amritsar vide which the application moved by the petitioner under Order 6 Rule 17 of the Code of Civil Procedure (for short the Code) for the amendment of the written statement has been declined.

The petitioner by way of amendment has sought to plead that the agreement on the basis of which suit was filed was in fact a forged and fabricated document as in the said agreement it was mentioned that possession of one room was given whereas in fact no such room was given and therefore, necessity arose to raise this plea. The court below has noticed that the evidence of the parties is complete and the petitioner after availing full opportunity failed to lead evidence and her evidence was

closed by order of the Court. The petitioner filed a revision petition in this Court wherein one last opportunity was given to the petitioner on payment of costs. However, the petitioner neither paid the costs nor examined any witness. Thereafter the present application for the amendment was moved.

The learned Trial Court came to the conclusion that this was a clear case where attempt was made to delay the proceedings after the petitioner has failed to lead her evidence in spite of number of opportunities. Learned court below also came to the conclusion that in view of the amendment of Order 6 Rule 17 of the Code no amendment could be allowed qua the facts which were in the knowledge of the petitioner when original written statement was filed. The facts now sought to be pleaded cannot be said such facts where not in the knowledge of the petitioner and therefore, learned trial court was right in rejecting the application.

No ground is made out which may call for interference by this Court in revisional jurisdiction.

Dismissed.

(Vinod K.Sharma)
Judge

2.11.2006
rp